

REMARKS

Reconsideration and allowance of this application in light of the foregoing amendments and accompanying remarks is respectfully requested.

THE SPECIFICATION AMENDMENTS

The specification has been amended to correct a typographical error in an element reference number and to make even more clear the description of the rib location as accurately shown on the application drawings as originally filed.

The location of the ribs is shown in the drawings, such as FIG. 5, as being along the height of the retainer ring skirt 10 adjacent the vessel neck 3. As shown in FIGS. 4a and 4b, the retainer ring skirt 10 extends downwardly along the container neck 3. As set forth in the specification as originally filed (at page 5, line 3), the ribs preferably "extend throughout the height of the skirt 10."

This U.S. patent application claims priority of the French patent application FR 01.01441, and this U.S. patent application specification is a translation of a French language specification. The applicant's French patent agent has advised the below-identified signatory attorney that the use of the expression or phrase "at the top" in the instant application English language specification as originally filed, at page 5, line 2, page 7, line 12, page 7, line 15, and in claims 1 and 4 as originally filed, has resulted from a poor translation of the original French expression "sur la hauteur." The French patent agent notes that the French expression "sur la hauteur" may be literally translated

to mean “over the height,” instead of “at the top.” It is clear from the drawings, such as FIGS. 4a, 4b, and 5, that the ribs exist along or over the height of the skirt 10. It is clear from FIG. 5, for example, that the cross section shows the retainer ring ribs 14 and 19 as existing at the same elevation as the adjacent vessel neck 3. With reference to FIGS. 4a and 4b, it can be seen that such ribs must extend at least partway along or over the height of the vessel neck 3 in order that the FIGS. 4a, 4b, and 5 be consistent in terms of showing the location of the vessel neck 3 and adjacent portion of the retainer ring 1. Therefore, it is clear from the drawings as originally filed, and from portions of the specification as originally filed, that the ribs can be properly described as extending at least partway along or “over the height” of the skirt (i.e., at least partway along that vertical portion of the ring which is defined by the skirt).

In view of the above discussion, the amendments to the specification do not add new matter, and should be entered.

THE CLAIM AMENDMENTS

Independent claim 1 has been amended to more particularly set forth the structure of the collar and to clarify the location of the ribs. Dependent claim 4 has been amended to clarify the location of the ribs.

New independent claim 10 sets forth an embodiment wherein, inter alia, the external ribs extend vertically over the height of the skirt and the sleeve of the retainer ring.

Support for the claim amendments and the new claim is found in the specification and drawings of the application as originally filed.

THE OBJECTION TO THE DRAWINGS IS OVERCOME

In Item 3 of the Official Action, the Examiner has referred to the ribs being disposed "at the top of the skirt"--the same expression "at the top of the skirt" being used in the originally filed claims 1 and 4. However, as now amended, claims 1 and 4 no longer employ the phrase "at the top."

With reference to FIG. 4a, the retainer ring 1 has a skirt 10 which extends downwardly from the radial clamp 16. This is described in the specification, at page 4, lines 19-22, (but note the amendment correcting the typographical error by changing the element reference number "2" to "1").

It is clear from a comparison of FIGS. 3, 4a, and 4b, that the ribs extend at least partway along or over the height of the skirt which defines the lower part of the ring 1.

The Examiner's careful attention is directed to FIG. 5, which is obviously a cross section through the assembly at the location of the vessel neck 3. As can be seen in FIGS. 4a and 4b, the vessel neck 3 does not extend above the retainer ring skirt 10. It is clear that the ribs 14 and 19 as shown in FIG. 5 therefore extend at least partway along the height of the retainer ring skirt 10 at the elevation of the vessel neck 3.

The claims have been amended to eliminate the language that the ribs extend "at the top" of the skirt. The claims have been amended to set forth the ribs as extending

axially vertically over the height of the skirt. As explained above in detail with respect to the specification amendments, the structure of the ribs extending at least partway vertically along or over the height of the skirt is shown in the drawings as originally filed. Such a structure, as now set forth in the amended claims, was also clear from various parts of the specification as originally filed.

In view of the amendments to claims, and in view of the above discussion, it is believed that new drawings are not required. Accordingly, withdrawal of the objection to the drawings is respectfully requested.

THE REJECTION OF THE CLAIMS 1-7 UNDER 35 U.S.C. §112 IS OVERCOME

In Item 5 of the Official Action, the Examiner has rejected claims 1-7 as being indefinite because, according to the Examiner, it is unclear in claims 1 and 4 how the ribs extend “at the top” or “to the top” of the skirt.

In view of the amendments to independent claim 1 and independent claim 4, there is no claim requirement that the ribs extend from, or at, or to the top of the skirt. It is clear from the drawings, as explained above, that the ribs extend at least partway along or “over the height” of the skirt as set forth in amended independent claim 1 and amended dependent claim 4.

In view of the amendments to claims 1 and 4, and in view of the above discussion, it is believed that the claims are now even more clear. Accordingly, withdrawal of the rejection of claims 1-7 under 35 U.S.C. §112 is respectfully requested.

THE REJECTION OF CLAIMS 1-7 IS OVERCOME

Claims 1-7 were rejected under 35 U.S.C. §102(b) as being unpatentable over the U.S. Patent No. 5,642,908 (to Mascitelli).

Mascitelli discloses a sleeve 1 having an upper part 1a and a lower part 1b. The lower part 1b may be alleged by the Examiner to correspond to the instant invention retainer ring skirt 10. (Note in Mascitelli, at column 3, lines 17-19, the upper part 1a is described as being "a solid revolution obtained by rotation of a U-shaped surface about the axis of symmetry," to define "external tubular element 10, an internal tubular element 11, and a base transversal element 12." Thus, the lower part 1b has only a substantially annular wall extending downwardly from the outer wall or leg of the U-shaped upper part 1a.)

As set forth in the instant application specification, the instant invention skirt 10 extends downwardly from the radial clamp 16. The instant invention retainer ring has an upper sleeve 101 which would correspond to the upper part 1a of Mascitelli.

Mascitelli discloses projections or steps 20 formed above the bottom of the transverse wall 12 of the upper part 1a, not in the lower part below the transverse wall. Further, the steps 20 extend peripherally, but not very much vertically. Indeed, the steps 20 extend further in a peripheral or lateral direction than in a vertical direction (compare the lateral width of each step 20 in FIG. 1 with the vertical height of each step 20 in FIG. 2). The steps 20 function to provide an elevated support position for the metallic

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covering 5 while the sleeve 1 is forced down onto the bottle neck. The operative surface of each step 20 is the horizontal upwardly facing flat surface, and not the slanted, nearly vertical surface.

In the instant invention, as set forth in the amended claims, as well as in new independent claim 10, the ribs extend axially vertically over the height of the skirt wherein the "skirt" is defined as having an internal wall which contacts the vessel neck (as set forth in the first subparagraph of each independent claim 1 and 10). In contrast, it is clear from FIG. 2 of Mascitelli that there are no steps, projections, or ribs on the lower "skirt" portion which contacts the external wall of the vessel neck. Indeed, Mascitelli teaches away from the instant invention by showing that the steps or projections 20 must be located on the upper sleeve above the lower skirt portion that contacts the wall of the vessel neck.

In view of the above discussion, it is believed that the claims 1-7, as amended, as well as new independent claim 10, set forth subject matter which is allowable over Mascitelli. Accordingly, withdrawal of the rejections of claims 1-7 as being unpatentable over Mascitelli is respectfully requested, and allowance of new independent claim 10 is respectfully requested.

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It is believed that all of the claims in the application, as amended, are now in condition for allowance, and such action is earnestly solicited.

Further, it is believed that this entire application is now in condition for allowance, and such action is respectfully requested.

Respectfully submitted,

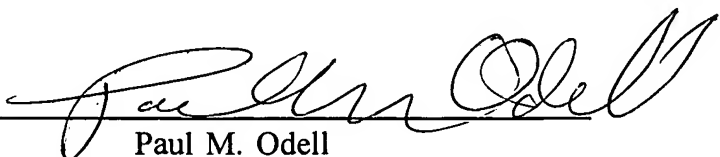
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I hereby certify that this correspondence is being deposited with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on August 11, 2003.


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